

EXHIBIT B

**THERESA MULLERY vs JTM CAPITAL MANAGEMENT, LLC
Jacob Adamo on 05/20/2021**

1
2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF NEW YORK
4 BUFFALO DIVISION
5 X
6 THERESA MULLERY,

7 Plaintiff,

8 -against- Docket No.
9 18C0549-LJV

10 JTM CAPITAL MANAGEMENT, LLC a Delaware limited
liability company,

11 Defendant.

12 X
AMANDA PERRY,

13 Plaintiff,

14 -against- Docket No.
15 18C0566-LJV

16 JTM CAPITAL MANAGEMENT, LLC a Delaware limited
17 liability company,

18 Defendant.

19 X

20 Remote Deposition

21 May 20, 2021
10:00 A.M.

22

23

24 (CAPTION CONTINUED ON FOLLOWING PAGE.)

25

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7	JACOB ADAMO, the Defendant, taken on	7
8	behalf of the Plaintiff, pursuant to Notice,	8
9	held before a Notary Public of the State of	9
10	New York.	10
11		11
12		12
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2 INFORMATION/DOCUMENTATION REQUEST INDEX		2 STIPULATIONS	
3 INFORMATION REQUESTED PAGE		3	
4 (NONE)		4 IT IS HEREBY STIPULATED AND AGREED	
5		5 by and between the attorneys for the	
6 INFORMATION TO BE INSERTED PAGE		6 respective parties herein, that filing,	
7 (NONE)		7 sealing and certification be and the	
8		8 same are hereby waived.	
9 MARKED FOR RULING PAGE		9	
10 (NONE)		10 IT IS FURTHER STIPULATED AND AGREED	
11		11 that all objections, except as to the	
12		12 form of the question shall be reserved	
13		13 to the time of the trial.	
14		14	
15		15 IT IS FURTHER STIPULATED AND AGREED	
16		16 that the within deposition may be signed	
17		17 and sworn to before any officer	
18		18 authorized to administer an oath, with	
19		19 the same force and effect as if signed	
20		20 and sworn to before the Court and that a	
21		21 copy of this examination shall be	
22		22 furnished without charge to the attorney	
23		23 representing the witness testifying	
24		24 herein.	
25		25	
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1		1	
2 The attorneys participating in this deposition		2 JACOB ADAMO, the witness herein,	
3 acknowledge that I am not physically present		3 having first been duly sworn by a Notary	
4 in the deposition room and that I will be		4 Public of the State of New York, was examined	
5 reporting this deposition remotely. They		5 and testified as follows:	
6 further acknowledge that, in lieu of an oath		6 EXAMINATION BY	
7 administered in person, the witness will		7 MS. ROBERTSON:	
8 verbally declare his/her testimony in this		8 Q. State your name for the record, please.	
9 matter under penalty of perjury. The parties		9 A. Jacob Adamo.	
10 and their counsel consent to this arrangement		10 Q. State your address for the record,	
11 and waive any objections to this manner of		11 please.	
12 reporting.		12 A. 6400 Sheridan Drive, Suite 138,	
13		13 Williamsville, New York 14221.	
14		14 Q. Good morning, my name is Angie Robertson	
15		15 I represent the plaintiffs in both of these two	
16		16 matters and I am going to go over a few ground	
17		17 rules. Before we begin, how many depositions would	
18		18 you say that you have given?	
19		19 A. Handful.	
20		20 Q. So less than 20?	
21		21 A. Yes.	
22		22 Q. Less than ten?	
23		23 A. I would say anywhere between 5 and 10.	
24		24 Q. I'm going to lay the ground rules, I know	
25		25 that you have done this before but I do have a few	

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<p>1 2 rules. Please wait until you hear a complete 3 question before you move on to the topic or 4 question. There are going to be objections so make 5 sure if people are speaking at the same time that 6 people get the opportunity to finish. When you 7 answer questions and this can be difficult to do 8 please answer with yes or no, try to avoid things 9 like yes, head shakes, do you understand?</p> <p>10 A. Yes.</p> <p>11 Q. So we can keep a record. Please wait 12 until you hear my entire question before you answer 13 that way we can get a cleaner record and if I use a 14 phrase or term that you don't understand let me know 15 and I will try to rephrase it. If you use the word 16 or phrase or acronym that I don't understand I will 17 do the same thing. Finally, if you need to take a 18 break and I anticipate that we may need a break in 19 this, that's fine, we can take breaks but what I 20 would ask is that we answer any questions that have 21 been asked before we take a break.</p> <p>22 I believe that covers all of the ground rules 23 that I have, I know that we discussed the timing of 24 this and I believe that we could keep it under four 25 hours. I do have the right to go longer, are you</p>	<p>1 2 reviewed it. 3 Q. Now are you able to annotate, can you go 4 through this list of topics and put check marks on 5 the topics that you can speak of today? 6 A. I believe I can speak of most – all the 7 topics here. 8 Q. If you want I can go through them 9 individually, are there any that you can't speak to? 10 A. No. 11 MS. ROBERTSON: The record 12 confirmed that he has agreed that he will 13 speak to all of these topics. 14 MR. LITTLE: His testimony speaks 15 for itself. 16 Q. I am going to produce – you said you met 17 with your attorney to discuss these documents? 18 A. No. 19 Q. You said he e-mailed it to you? 20 A. Yes. 21 Q. What else did you do to prepare for this 22 deposition? 23 A. I did a lay review of other documents 24 that were provided. 25 Q. Provided by who?</p>
<p>1 2 limited to four hours today? 3 A. I have a part cut off at 2. 4 Q. Can we agree that if it goes over 2 P.M. 5 that we could continue and do this deposition 6 another day? 7 MR. LITTLE: Well I am not going to 8 agree to that at this point but let's see 9 how the deposition goes. 10 MS. ROBERTSON: I will do my best 11 to get through all of it by that time. 12 Q. I am going to share my screen and show 13 you an exhibit that I am going to mark as exhibit 14 one. 15 (Whereupon, the aforementioned 16 document was marked as Plaintiff's 17 Exhibit 1 for identification as of this 18 date by the Reporter.) 19 Q. This is the second amended notice of 20 deposition. Have you seen this before today? 21 A. Yes. 22 Q. And when did you see this? 23 A. Yesterday. 24 Q. In what context did you see it? 25 A. Brendan Little e-mailed it to me and I</p>	<p>Page 11</p> <p>1 2 A. My counsel. 3 Q. What kind of documents? 4 A. The court documents that we submitted as 5 responses. 6 Q. Did you review any account notes? 7 A. The screen shots in the account notes 8 that we provided you. 9 Q. Did you meet with anyone in person to 10 prepare for this? 11 A. No. 12 Q. Did you meet with anyone over the phone 13 to prepare for this? 14 A. Brendan briefly. 15 Q. Five minutes, ten minutes, half hour? 16 A. Five to ten minutes I believe. 17 Q. You have been designated as a witness 18 under rule 30B6 on behalf of JTM Capital Management, 19 you confirm that JTM has selected you to serve as 20 their witness? 21 A. Yes. 22 Q. I am going to ask you some background 23 information about you and your role at JTM, what is 24 your educational background post high school? 25 A. I have an associates degree.</p>

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<p>1 2 Q. Where is that from? 3 A. Brian Stratton. 4 Q. What is that in? 5 A. Business management. 6 Q. When did you obtain that? 7 A. 2008 I think. 8 Q. What was your first job after you 9 finished school? 10 A. I was working during school as a debt 11 collector. 12 Q. What company? 13 A. Aurora Gold & Associates. 14 Q. How long were you there, what years? 15 A. I don't recall it was a long time ago. 16 Q. So you received your associates in 2008 17 were you there in 2008? 18 A. Yes, I was working while I was in school. 19 Q. And you don't recall how long you worked 20 for them? 21 A. Probably a year or so. 22 Q. When did you graduate high school? 23 A. 2006. 24 Q. Was Aurora Gold & Associates your first 25 full-time job or first job out of high school?</p>	<p>1 2 A. Probably so, yes. 3 Q. What was your role there? 4 A. Started as a collector and then became 5 head of purchasing and started their legal 6 department. 7 Q. You said you were there for one to two 8 years and you had these different roles during that 9 time? 10 A. Yes. 11 Q. How long did you work as a collector 12 there? 13 A. Debt collector? 14 Q. Yes. 15 A. Probably half the time I was there. 16 Q. So about one year? 17 A. Give or take, yes. 18 Q. How long were you in purchasing? 19 A. The remainder of the time. 20 Q. But you started the legal department was 21 that something that you did as part of your role in 22 purchasing? 23 A. Yes, it was in conjunction. 24 Q. What other roles did you have in your 25 day-to-day?</p>
<p>1 2 A. It was not. 3 Q. What else did you do after you graduated 4 high school? 5 A. I worked at Tim Hortons, I worked at 6 Tops, you know medial jobs that high school kids 7 work. 8 Q. Retail? 9 A. Yes. 10 Q. So after you get these associates and you 11 are at Aurora Gold & Associates what was your next 12 job? 13 A. Jacobs Marsh. 14 Q. What was that? 15 A. A collection agency – it was actually a 16 debt buyer sorry. 17 Q. How long were you there and for how many 18 years? 19 A. I was there roughly one or two years and 20 what was the other part of the question? 21 Q. I think I said how long and for what 22 years, when did you start that job? 23 A. After I left Aurora Gold, again I don't 24 remember exact times. 25 Q. So sometime between 2008 and 2009?</p>	<p>1 2 A. That's pretty much it. 3 Q. So as a purchaser what were you 4 purchasing? 5 A. Receivables. 6 Q. Can you just in lay terms like you were 7 explaining it at a cocktail party what does that 8 mean? 9 A. I don't explain it at a cocktail party, 10 it's not something that we like to talk about 11 because people look at it in a not so nice way. 12 Q. If you were explaining it to someone that 13 is interested in doing it, maybe you are speaking to 14 a high school class how would you describe as you do 15 as a purchaser of receivables? 16 A. We purchase, charge off receivables from 17 banks that's exactly what I would say. 18 Q. What exactly are you buying? 19 A. Consumers obligation to settle financial 20 institutions. 21 Q. So you did this for about one to two 22 years that brings us to roughly 2010, what was your 23 next job? 24 A. I started Brightwater Capital with a 25 partner.</p>

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<p>1</p> <p>2 Q. Who is your partner?</p> <p>3 A. Donna Mastes.</p> <p>4 Q. Can you spell it?</p> <p>5 A. I don't know how to spell it, again we parted ways 8 to 9 years ago.</p> <p>6 Q. What was Brightwaters Capital?</p> <p>8 A. Debt buying company.</p> <p>9 Q. So again you are buying receivables?</p> <p>10 A. Yes.</p> <p>11 Q. And how long did you work for that company?</p> <p>13 A. About a year as well actually.</p> <p>14 Q. So now we are up to roughly 2011, what was your next position?</p> <p>16 A. Consulting work for a handful of companies, I didn't have a full-time position until two years after.</p> <p>19 Q. So about one to two years you were doing independent consulting not working for any specific company?</p> <p>22 A. Yes.</p> <p>23 Q. What type of consulting were you doing?</p> <p>24 A. Same thing that I have been doing, debt purchasing, things of that nature.</p>	<p>1</p> <p>2 A. Yes.</p> <p>3 Q. Does JTM do anything else besides that?</p> <p>4 A. No.</p> <p>5 Q. Does JTM get any other revenue from sources besides the indirect collection involving consumer debts?</p> <p>8 MR. LITTLE: Objection to form.</p> <p>9 A. Passive investment.</p> <p>10 Q. What's passive investments?</p> <p>11 A. Investing in contract deals with – it was a single member LLC so I ran some consulting work through there, it could be things of that nature.</p> <p>15 Q. So passive debt collection and also some consulting work?</p> <p>17 A. Yes.</p> <p>18 Q. So when you founded JTM in 2013 was that your only position?</p> <p>20 A. Yes.</p> <p>21 Q. And any consulting work that you did you did as JTM?</p> <p>23 A. It depends, if it's a single member LLC so my contracts would probably be personal but from a tax basis it may have ran through JTM.</p>
<p>1</p> <p>2 Q. So now we are up to about 2013.</p> <p>3 A. Yes.</p> <p>4 Q. What job did you start in 2013?</p> <p>5 A. JTM Capital Management.</p> <p>6 Q. Did you found JTM Capital Management?</p> <p>7 A. I did.</p> <p>8 Q. Did you have any partners?</p> <p>9 A. No.</p> <p>10 Q. Did you have any employees at the time?</p> <p>11 A. When I first started no.</p> <p>12 Q. When did you get employees?</p> <p>13 A. Probably 2014.</p> <p>14 Q. In lay terms, someone from your community college or someone from a high school in your area to do the same thing as you, what does JTM do?</p> <p>17 A. Passive debt buyer.</p> <p>18 Q. What do you mean by that?</p> <p>19 A. Meaning that JTM doesn't engage in actual collections it subcontracts with providers that do.</p> <p>21 Q. So when you say it doesn't engage in collections you mean it doesn't have direct contact with the debtors?</p> <p>24 A. Yes.</p> <p>25 Q. Or the alleged debtors?</p>	<p>1</p> <p>2 Q. But not for any other company?</p> <p>3 A. No.</p> <p>4 Q. Are you still at JTM?</p> <p>5 A. Yes.</p> <p>6 Q. Is JTM still buying debts?</p> <p>7 A. No.</p> <p>8 Q. When did JTM stop buying debts?</p> <p>9 A. I don't have an exact date, I would probably say sometime in 2019.</p> <p>11 Q. Does JTM still outsource collection of debts?</p> <p>13 A. No.</p> <p>14 Q. What does JTM do now?</p> <p>15 A. It's in wind down.</p> <p>16 Q. So JTM has been in wind down since 2019?</p> <p>17 A. Yes, pretty much. We weren't actively purchasing after 2019, it may even be sooner than that, again I wasn't prepared for that.</p> <p>20 Q. The exact date isn't important. What has become of JTM assets since its wind down?</p> <p>22 MR. LITTLE: Objection to the form, outside the scope of the notice. His answer does not bind the company, you can answer if you know.</p>

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<p>1</p> <p>2 A. What was the question? Say that again.</p> <p>3 Q. I am asking about the status of the</p> <p>4 assets now that JTM is in wind down?</p> <p>5 A. JTM sold all assets, all remaining assets</p> <p>6 back in 2020, I believe August</p> <p>7 Q. Sold back to who?</p> <p>8 MR. LITTLE: Objection to form,</p> <p>9 outside the scope of the notice. He is</p> <p>10 not going to answer these questions.</p> <p>11 MS. ROBERTSON: These two debts we</p> <p>12 have no proof of where they came from,</p> <p>13 who owns them and there seems to</p> <p>14 definitely be involvement of other</p> <p>15 parties on the account notes.</p> <p>16 MR. LITTLE: You can ask about the</p> <p>17 accounts and the debts at issue but</p> <p>18 generally JTM assets that's well outside,</p> <p>19 not even close to anything in this list</p> <p>20 so you can ask away about the accounts at</p> <p>21 issue or debts at issue.</p> <p>22 MS. ROBERTSON: Okay but JTM and</p> <p>23 its assets if JTM is the defendant –</p> <p>24 it's relevant because JTM is going to be</p> <p>25 at some point if we were to win this case</p>	<p>1</p> <p>2 Q. How many employees did that company have?</p> <p>3 MR. LITTLE: Objection, this is a</p> <p>4 deposition about JTM not other companies.</p> <p>5 Q. You can answer.</p> <p>6 MR. LITTLE: I am looking at the</p> <p>7 notice, there is nothing about this at</p> <p>8 all.</p> <p>9 MS. ROBERTSON: Are you refusing to</p> <p>10 let him answer the question?</p> <p>11 MR. LITTLE: I am instructing him</p> <p>12 not to answer.</p> <p>13 Q. So you mentioned that was in 2014,</p> <p>14 speaking specifically about debt buyers have you</p> <p>15 been an officer for any other debt buyers?</p> <p>16 A. Yes.</p> <p>17 Q. What would that be?</p> <p>18 THE WITNESS: Am I answering this?</p> <p>19 MR. LITTLE: Yes.</p> <p>20 A. United Holding Group.</p> <p>21 Q. Does United Holding Group have a relation</p> <p>22 with JTM?</p> <p>23 MR. LITTLE: You can answer that</p> <p>24 question.</p> <p>25 A. I'm not sure how to answer that question,</p>
<p>1</p> <p>2 financially responsible for damages.</p> <p>3 MR. LITTLE: Sure and you can do</p> <p>4 post judgement discovery at some point if</p> <p>5 you win.</p> <p>6 Q. So going back to your role at JTM you</p> <p>7 mentioned that you believe in around 2019 but you</p> <p>8 didn't know the for sure dates it went into wind</p> <p>9 down, between 2013 and 2019 did you hold any other</p> <p>10 roles for any other companies?</p> <p>11 A. Between 2013 and 2019?</p> <p>12 Q. Yes, so this would be a 6 year stretch?</p> <p>13 A. Yes.</p> <p>14 Q. What companies were those?</p> <p>15 A. I have a payment processing company that</p> <p>16 was Szczur Financial.</p> <p>17 Q. Can you spell that?</p> <p>18 A. S-Z-C-Z-U-R.</p> <p>19 Q. That's definitely a mouth full, now you</p> <p>20 said that was a payment processing company?</p> <p>21 A. Yes.</p> <p>22 Q. And you started that company?</p> <p>23 A. Yes.</p> <p>24 Q. What year did you start that in?</p> <p>25 A. 2014.</p>	<p>1</p> <p>2 there is no direct relationship at this point.</p> <p>3 Q. Was there ever?</p> <p>4 A. UHC used contracts with JTM to work some</p> <p>5 UHC accounts at some point.</p> <p>6 Q. Can you be more specific to what you mean</p> <p>7 at some point?</p> <p>8 A. Again that wasn't on the document, I</p> <p>9 didn't look at dates or contracts. It could most</p> <p>10 likely be in 2018, UHC placed some accounts with</p> <p>11 JTM.</p> <p>12 Q. UHC placed the accounts with JTM?</p> <p>13 A. Yes.</p> <p>14 Q. So JTM was a master servicer but didn't</p> <p>15 own the debts?</p> <p>16 A. Yes.</p> <p>17 Q. And what was your role, I asked if you</p> <p>18 were an officer but what was your role at United</p> <p>19 Holdings?</p> <p>20 A. Chief operations officer.</p> <p>21 Q. What are your job responsibilities?</p> <p>22 MR. LITTLE: Objection, outside the</p> <p>23 scope of the notice. We are talking</p> <p>24 about a different company, he is not</p> <p>25 answering that question.</p>

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<p>1</p> <p>2 MS. ROBERTSON: Okay but this</p> <p>3 company comes up in the account notes.</p> <p>4 MR. LITTLE: Okay, I will take a</p> <p>5 look at it if you want to point me to it.</p> <p>6 MS. ROBERTSON: I am going to be</p> <p>7 producing this as an exhibit but I don't</p> <p>8 want to mark it yet but just calling your</p> <p>9 attention right here there is a note that</p> <p>10 says portfolio has been changed from to</p> <p>11 UHC.</p> <p>12 MR. LITTLE: You can ask him about</p> <p>13 what he does at UHC, that's fine.</p> <p>14 Q. What do you do in your role as chief</p> <p>15 operating officer at UHC?</p> <p>16 A. I manage the operations of the company,</p> <p>17 meaning our law firms and collection agencies that</p> <p>18 service for us.</p> <p>19 Q. How many people work at UHC?</p> <p>20 A. About 11.</p> <p>21 Q. Now I know that JTM is currently in wind</p> <p>22 down but in the years 2017 to 2019 before it was in</p> <p>23 wind down when it was collecting the debts at issue</p> <p>24 here how many employees did it have?</p> <p>25 A. Two.</p>	<p>1</p> <p>2 A. Yes.</p> <p>3 Q. What about Jay Connely?</p> <p>4 A. Vendor manager.</p> <p>5 Q. What does that mean?</p> <p>6 A. Managed performance for the collection</p> <p>7 agencies.</p> <p>8 Q. Performance for the collection agencies?</p> <p>9 A. Yes.</p> <p>10 Q. How was his role different than Mikes?</p> <p>11 A. It was more tailored around if there was</p> <p>12 a complaint or something along those lines. Jay's</p> <p>13 was more trying to be more proactive, to avoid</p> <p>14 complaints, best practices as much as we could. We</p> <p>15 want to make sure people are following our</p> <p>16 agreements, things of that nature.</p> <p>17 Q. When you say vendor you are referring</p> <p>18 also to the collectors?</p> <p>19 A. No, again we don't have interface with</p> <p>20 the collectors.</p> <p>21 Q. How many clients did JTM have in 2017 and</p> <p>22 this could be a ballpark?</p> <p>23 MR. LITTLE: This is broad, can you</p> <p>24 narrow it down. What do you mean by</p> <p>25 client?</p>
<p>1</p> <p>2 Q. Two employees?</p> <p>3 A. It may be two or three.</p> <p>4 Q. Who were those employees?</p> <p>5 A. Mike Hyla, Jay Connely, and Christina</p> <p>6 Saywa.</p> <p>7 Q. So those were the people working in those</p> <p>8 years?</p> <p>9 A. Yes, there were a few administrators that</p> <p>10 were there but I would have to go back to the</p> <p>11 records. I don't have specifics but those were the</p> <p>12 consistency.</p> <p>13 Q. What was Mr. Hywa's job title?</p> <p>14 A. Compliance manager and I believe that was</p> <p>15 in 2018.</p> <p>16 Q. What did he do as compliance manager?</p> <p>17 A. He managed the interface between the</p> <p>18 agencies and us and JTM.</p> <p>19 Q. The third party collectors you hired?</p> <p>20 A. I want to be clear, we subcontract</p> <p>21 companies not collectors. There are no actual</p> <p>22 collectors by JTM, we contract with agencies</p> <p>23 directly not collectors themselves.</p> <p>24 Q. Not the employees of the collection</p> <p>25 agencies?</p>	<p>1</p> <p>2 Q. How many creditors were you managing</p> <p>3 debts for?</p> <p>4 A. We didn't purchase debt directly from</p> <p>5 creditors until 2017 or late 2018.</p> <p>6 Q. So who were you purchasing from before</p> <p>7 that?</p> <p>8 A. Other debt buyers.</p> <p>9 Q. So between 2013 about 2016 to 2017 you</p> <p>10 were exclusively buying from other debt buyers?</p> <p>11 A. For the most part, yes.</p> <p>12 Q. 2017 to 2018 you start buying from</p> <p>13 creditors?</p> <p>14 A. Yes, late 2017.</p> <p>15 Q. Pretend I'm someone that is potentially</p> <p>16 interviewing for a job with you, what's the</p> <p>17 difference between buying directly from a creditor</p> <p>18 versus a debt buyer, is there a difference on how to</p> <p>19 purchase it?</p> <p>20 A. Not particularly, the principals are the</p> <p>21 same. If you purchase directly from the creditor</p> <p>22 you get better communication from say creditor</p> <p>23 versus having intermittent part ones or multiple</p> <p>24 parties in between, so these accounts in question</p> <p>25 were purchased from joint ventures with other debt</p>

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<p>1 buyers, we didn't have any direct communication with</p> <p>2 the issuers directly.</p> <p>3 Q. Now you said joint ventures?</p> <p>4 A. Yes.</p> <p>5 Q. So when you say that you purchased debts</p> <p>6 from other debt buyers you were doing this as a sole</p> <p>7 purchaser, as a joint venture or both?</p> <p>8 A. Every deal could be different, it's hard</p> <p>9 to get specific unless we are talking about a</p> <p>10 specific transaction.</p> <p>11 Q. What percentage of your purchases would</p> <p>12 you say are joint ventures?</p> <p>13 A. I wouldn't want to speculate on that, I</p> <p>14 couldn't even tell you without looking, I would have</p> <p>15 to look.</p> <p>16 Q. Today are you the only employee of JTM?</p> <p>17 A. Yes.</p> <p>18 Q. How long has that been the case?</p> <p>19 A. Since late '17 to 2018 I believe.</p> <p>20 Q. I apologize, I want to make sure I</p> <p>21 understand the timeline. Didn't you say that Jay</p> <p>22 Connely began in 2018?</p> <p>23 A. No.</p> <p>24 Q. Or Mike?</p>	<p>1 your other companies?</p> <p>2 A. I'm sorry, say that again.</p> <p>3 Q. After his role at JTM you said it was a</p> <p>4 few months?</p> <p>5 A. Yes.</p> <p>6 Q. He had no other roles for any other</p> <p>7 companies of yours?</p> <p>8 A. He worked for UHC for a time.</p> <p>9 Q. How long was that?</p> <p>10 A. 18 months maybe.</p> <p>11 Q. So about a year and a half?</p> <p>12 A. Yes, give or take.</p> <p>13 Q. What year was that?</p> <p>14 A. I think he left sometime in 2020.</p> <p>15 Q. So he no longer works for any company</p> <p>16 that you own or work for?</p> <p>17 A. No.</p> <p>18 (Whereupon, an off-the-record</p> <p>19 discussion was held at this time.)</p> <p>20 (Whereupon, the aforementioned</p> <p>21 document was marked as Plaintiff's</p> <p>22 Exhibit 2-4 for identification as of this</p> <p>23 date by the Reporter.)</p> <p>24 Q. This is the file complaint, have you seen</p>
<p>1</p> <p>2 A. Yes, Mike was more in line of that.</p> <p>3 Again my timeline may be off but he wasn't at JTM</p> <p>4 very long.</p> <p>5 Q. A matter of months?</p> <p>6 A. Probably a year, I may be off a few</p> <p>7 months but yes, he wasn't there very long.</p> <p>8 Q. Mike Hyla, Jay Connely and there was</p> <p>9 another name Christina Saywa what was her role?</p> <p>10 A. Accounting, she posted payments from our</p> <p>11 vendors.</p> <p>12 Q. How long was she there?</p> <p>13 A. A year or two.</p> <p>14 Q. What years were those?</p> <p>15 A. Towards the latter, I would say from 2016</p> <p>16 sometime to you know until the end.</p> <p>17 Q. Between Mr. Hyla and Ms. Saywa do any of</p> <p>18 these employees work for you at UHC now?</p> <p>19 A. Yes.</p> <p>20 Q. Which ones?</p> <p>21 A. Jay and Christina.</p> <p>22 Q. Mr. Hyla is no longer?</p> <p>23 A. No.</p> <p>24 Q. And so when he left at some point in 2018</p> <p>25 not long after he started he didn't work for any of</p>	<p>1 this document before today?</p> <p>2 A. I'm sure I have seen it but I may have</p> <p>3 not read it.</p> <p>4 Q. Are you familiar with the allegations of</p> <p>5 the complaint?</p> <p>6 A. Yes.</p> <p>7 Q. Briefly how would you sum up the</p> <p>8 allegations?</p> <p>9 A. False.</p> <p>10 Q. What would you summarize the allegations</p> <p>11 to be?</p> <p>12 A. I'm sorry, I don't understand that</p> <p>13 question. I'm not trying to it be difficult, I just</p> <p>14 don't understand it.</p> <p>15 Q. That's okay, can you review to yourself.</p> <p>16 You don't have to read it out loud, can you review</p> <p>17 paragraphs 8, 9, 10, can you read paragraph ten?</p> <p>18 A. Therefore defendant JTM bought, obtained</p> <p>19 Ms. Mullery's alleged continental account, ignored</p> <p>20 information in the account notes that told as</p> <p>21 successor and interest that it could no longer call</p> <p>22 or write Ms. Mullery and had other debt collectors</p> <p>23 at North Star Location Services. Sent Ms. Mullery a</p> <p>24 collection notice dated January 26, 2017 demanding</p>

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<p>1 2 payment of Continental debt, a copy of this 3 collection letter is attached as an exhibit. 4 Q. So you understand that my client is 5 alleging that your client violated the FDCPA by 6 outsourcing or hiring a debt collector to collect 7 the debt after she had demanded that communication 8 seize and had refused to pay the debt? 9 MR. LITTLE: Objection to form. 10 Q. You can answer if you know. 11 A. Yes, I am aware of what the allegations 12 are. 13 Q. Have you seen this before today? 14 A. No. 15 Q. Can you look at it briefly and let me 16 know when you are done? 17 A. Okay. 18 Q. This letter was sent by an organization 19 called Legal Advocates for seniors and people with 20 disabilities, can you read off the address here? 21 A. 211 West Wacker Drive, Suite 750, 22 Chicago, Illinois 60606. 23 Q. And this is addressed to Continental 24 Finance Company, this is not addressed to JTM? 25 A. That's correct.</p>	<p>1 2 Q. Can you describe where that is 3 identified? 4 A. Under current creditor. 5 Q. So top right hand corner? 6 A. Yes, top right hand corner. 7 Q. Middle of the page? 8 A. Yes. 9 Q. And then in the sentence right here it 10 says that your account has been referred by JTM, 11 correct? 12 A. Yes. 13 Q. So three times? 14 A. Yes. 15 Q. I want to go specifically to paragraph 10 16 because that's one of them that we recently read, 17 can you read the answer in paragraph 10? 18 A. Defendant denies each and every 19 allegation in paragraph ten. 20 Q. Going back to paragraph ten which is in 21 Exhibit 2 do you deny that JTM bought the 22 Continental finance account? 23 A. No. 24 Q. Do you deny that JTM ignored information 25 in its account note that indicated that she had an</p>
<p>1 2 Q. And the letter here does a few things, it 3 tells the recipient that Ms. Mullery has an 4 attorney, correct? 5 A. Yes. 6 Q. It tells the recipient that Ms. Mullery 7 cannot pay her debts, correct? 8 A. Yes. 9 Q. And that she refuses to pay the debts? 10 A. Was that a question? 11 Q. Yes. 12 A. Yes, that's what it says. 13 Q. Also it says that her income is low and 14 would not be subject to garnishment, correct? 15 A. That's what it says. 16 Q. This is a scanned version of what is 17 clearly not white paper so it is hard to read but 18 once you are able to read the texts and able to 19 review this let me know, have you seen this before 20 today? 21 A. I have not 22 Q. I am going to ask you to confirm a few 23 things about this letter. Who does the letter 24 identify as the current creditor? 25 A. JTM.</p>	<p>1 2 attorney and refused to pay the debts? 3 A. Yes. 4 Q. Do you deny that JTM sent the letter to 5 Northstar Location Services for collection? 6 MR. LITTLE: Objection to form. 7 Q. You can answer. Do you deny that JTM 8 sent the debt to NorthStar Location Services for 9 collection? 10 A. No. 11 Q. Exhibit 3 here your answer, have you 12 reviewed this before today? 13 A. I probably have but I don't recall what 14 it says. 15 Q. This is not among the documents that you 16 reviewed yesterday? 17 A. I didn't review this specific document. 18 Q. Are you familiar with your affirmative 19 defenses? 20 A. Yes. 21 Q. So here they are some of them, I can 22 scroll down so you can see them. There are 8 of 23 them and you have been in this industry for awhile, 24 are you familiar with the defense of bona fide error? 25 A. Yes.</p>

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<p>1 2 Q. You acknowledge that you have not raised 3 such defense? 4 A. Yes, it's not in here correct. 5 Q. Have you reviewed any of the discovery in 6 this matter? 7 A. I reviewed the account notes and again I 8 did a late review yesterday, I didn't review it in 9 detail. 10 Q. How long would you say you spent? 11 MR. LITTLE: When you say this 12 matter are you talking specifically about 13 Mullery? 14 MS. ROBERTSON: I am. 15 A. I would say ten minutes. 16 Q. These are JTM discovery responses that 17 were produced in August of 2019. 18 MR. LITTLE: Is this Exhibit 4? 19 Q. Did you review these in 2019? 20 A. I'm sure I did. 21 Q. Before I get to the specific questions I 22 am going to go to the verification because these 23 were verified. Do you recall if you verified these? 24 A. Again I don't recall specifically, no. 25 Q. It looks like Mr. Hyla verified this set,</p>	<p>1 2 A. It would have to be if the issuer sold it 3 to someone else and they were notified and then they 4 notified us then we would obviously not communicate 5 but it typically doesn't get passed down to us. 6 Q. Typically you buy in and don't get that 7 information is what you are saying? 8 A. We do not, no. 9 Q. Do you request that information? 10 A. No. 11 Q. So when you learn the information because 12 someone filed the lawsuit you respond by doing what? 13 A. We put the account in legal status as you 14 see from the screen shot and seize communication. 15 Q. What if one of your collectors tells you 16 about it? 17 A. JTM doesn't have collectors. 18 Q. What if one of your collection agencies 19 tells you about it? 20 A. Same scenario, it would get shut down. 21 Q. What if the consumer somehow tracks JTM's 22 information and contacts the organization or her 23 attorney contacts your organization would you shut 24 it down as well? 25 A. Yes.</p>
<p>1 2 did you work with him at all when he was reviewing 3 these? 4 A. No. 5 Q. Looking specifically at question number 6 one and two and if you could go a little slower just 7 for the sake of the reporter, can you read the 8 question number one in your response? 9 A. State each date which you were notified 10 that Ms. Mullery was represented by counsel as to 11 the debt at issue. Response, JTM learned that 12 plaintiff was represented by counsel on or about 13 November 7 when it was served with the subject 14 complaint. 15 Q. So you didn't know that she had requested 16 from the original creditor that it seize contacts? 17 A. Absolutely not. 18 Q. Does JTM have a policy as to what to do 19 if it does know such information? 20 A. I'm not sure again on written policy but 21 I'm familiar with the FDCPA and our position is if 22 we received written response of representation we 23 would seize communication in order to avoid things 24 like this. 25 Q. So it had to be in writing?</p>	<p>1 2 Q. What if you buy something and I think you 3 mentioned that you don't typically ask for this 4 information but what if you buy something and you 5 are given that information? 6 A. If it exists then they shouldn't have 7 sold it to us so if it exists then it shouldn't be 8 in a portfolio and we submit it for put back and 9 close it. 10 Q. So in this case you learned about it for 11 the first time when you were served with this 12 lawsuit? 13 A. Yes. 14 Q. And number two is a similar question, 15 this time we are not talking about representation by 16 counsel but refusal to pay, can you read the request 17 and response for number two? 18 A. Read it aloud? 19 Q. Yes and I won't do this for every single 20 question. 21 A. State each date on which you were 22 notified that Ms. Mullery refused to pay the debt, 23 when reviewing the plaintiff's complaint and subject 24 matter JTM learned that the plaintiff was 25 alleging -</p>

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<p>1 2 Q. So same response, you didn't know 3 anything about her refusal or inability to pay until 4 you got served with this lawsuit? 5 A. Yes. 6 Q. I am going to skip around a bit, like I 7 said I am not going to have you read each one but 8 there is one that I want to end on so I am going to 9 skip to your document production responses because 10 earlier you said that you were aware of and 11 understood the affirmative defenses that you are 12 bringing in this case, correct? 13 A. Correct. 14 Q. So can you read document production 15 request number 23 and your response. 16 A. All documents that refer to, relate to or 17 support or diminish each of the affirmative defenses 18 that you asserted. Response, JTM account notes and 19 information provided when JTM acquired them. 20 Q. And you produced a few things in 21 conjunction with this request and it's actually all 22 included in this document so it's the account notes 23 which are screen shots from the computer, correct? 24 A. Yes, I believe so. 25 Q. And you produced a collection services</p>	<p>1 2 response? 3 A. See the account notes and information 4 provided when JTM acquired the debt. 5 Q. So the answer as to when JTM obtained the 6 debt at issue is going to be in the account notes? 7 A. Should be. 8 Q. Information provided when JTM acquired 9 the debt what is that? 10 A. Whatever we were provided we provided 11 what we had. 12 Q. Which one do you believe has the date on 13 which JTM purchased the account? 14 A. It would be the screen shots. 15 Q. Is the date that JTM obtained the account 16 on this page? 17 A. It is not. 18 Q. Is the date that JTM obtained the account 19 on this page? 20 A. If you look at – yes, it is. 21 Q. And what is that date? 22 A. 3/17/2016. 23 Q. Can you indicate to me where that is 24 stated? 25 A. It says in review that is when the</p>
<p>1 2 agreement with North Star Location Services? 3 A. Yes. 4 Q. And then the last thing that you produced 5 is what appears to be a single line from a 6 spreadsheet with the rest of the spreadsheet 7 redacted? 8 A. Yes. 9 Q. Sometimes I hear that referred to as a 10 receivables file is there a word that you use? 11 A. It's Exhibit A but again you can call it 12 whatever. 13 Q. You would use that as Exhibit A that's 14 confusing, I will refer to it as a spread line. So 15 those are the only documents that you produced? 16 A. Yes. 17 Q. You never supplemented that response? 18 A. Not to my knowledge. 19 Q. Now I am working with you a little bit 20 backwards, I am going to put back a couple of 21 document production requests, so number 7 asks for 22 all documents that show the dates in which you 23 obtained the debt at issue and the amount of the 24 debt on that date. I just read the request there is 25 no reason for you to read it, can you read your</p>	<p>1 2 account was loaded and acquired. 3 Q. In preview? 4 A. Yes, I'm sorry. 5 Q. So that tells us the account was loaded 6 on that day? 7 A. Yes. 8 Q. How does that tell us the account was 9 purchased on that day? 10 A. Loads and purchase dates typically 11 coincide. 12 Q. Whose name is next to the load? 13 A. Mine. 14 Q. So you loaded this account? 15 A. Yes. 16 Q. I have a few other questions about these 17 account notes before I go back to the production 18 request and responses and this is all part of the 19 same exhibit so here it says client is UDH, what 20 does that mean? 21 A. That's where we purchased the account 22 from. 23 Q. So what is UDH? 24 A. Debt buying company. 25 Q. Is that its full name?</p>

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<p>1</p> <p>2 A. United Debt Holdings.</p> <p>3 Q. Was this a joint venture or a direct</p> <p>4 purchase?</p> <p>5 A. Joint venture I believe.</p> <p>6 Q. Do you have any documentation of the</p> <p>7 joint venture?</p> <p>8 A. No.</p> <p>9 Q. Did UDH maintain ownership rights of this</p> <p>10 debt or portfolio?</p> <p>11 A. It was joint ownership.</p> <p>12 Q. So you both owned it?</p> <p>13 A. Yes.</p> <p>14 Q. And do you remember how many the proceeds</p> <p>15 were to be split?</p> <p>16 A. I do not.</p> <p>17 MR. LITTLE: Form.</p> <p>18 Q. Did UDH own the debt in full at the time</p> <p>19 that JTM became involved?</p> <p>20 MR. LITTLE: Form.</p> <p>21 A. I don't know, I can't answer that</p> <p>22 question.</p> <p>23 Q. Do you remember if the proceeds from the</p> <p>24 collection were split 50/50 or any other way?</p> <p>25 A. I don't recall malam.</p>	<p>1</p> <p>2 Q. Do you know who you spoke with at UDH?</p> <p>3 A. Probably Craig Mansoff.</p> <p>4 Q. What is his role at UDH?</p> <p>5 A. I'm not sure.</p> <p>6 Q. Is he still there?</p> <p>7 A. Not to my knowledge, I believe UDH went</p> <p>8 out of business two or three years ago.</p> <p>9 Q. I have a few other questions about the</p> <p>10 collection notes that I want to get through before I</p> <p>11 flip to another exhibit here. There are things</p> <p>12 about these collection notes that I think I</p> <p>13 understand but I want to confirm with you because</p> <p>14 this isn't my system and like I explained when I was</p> <p>15 setting out the ground rules there are things that</p> <p>16 you understand that I probably don't understand and</p> <p>17 vice versa right. Is this JTM's computer system?</p> <p>18 A. Yes.</p> <p>19 Q. So this is what you use to run your</p> <p>20 machines?</p> <p>21 A. This is our data system.</p> <p>22 Q. What is the software system called?</p> <p>23 A. Beam.</p> <p>24 Q. It's the name of the program that you</p> <p>25 beam out the accounts?</p>
<p>1</p> <p>2 Q. Was there a written joint venture</p> <p>3 agreement?</p> <p>4 A. Not to my knowledge no.</p> <p>5 Q. Who at JTM arranged or agreed to the</p> <p>6 joint venture?</p> <p>7 A. It would have been me.</p> <p>8 Q. But it wasn't in writing?</p> <p>9 A. It was not.</p> <p>10 Q. Between JTM and UDH who was to maintain</p> <p>11 the receivables files?</p> <p>12 MR. LITTLE: Form.</p> <p>13 A. I don't recall specifically.</p> <p>14 Q. Did JTM ever have the receivables file?</p> <p>15 MR. LITTLE: Objection to form,</p> <p>16 what is a receivables file?</p> <p>17 Q. Did JTM ever have documentation after</p> <p>18 this debt?</p> <p>19 A. Define documentation.</p> <p>20 Q. Anything that would prove that you owned</p> <p>21 the debt?</p> <p>22 A. No.</p> <p>23 Q. When you entered this joint venture did</p> <p>24 you exchange any money with UDH?</p> <p>25 A. I don't recall.</p>	<p>1</p> <p>2 A. Yes.</p> <p>3 Q. Going back to the earliest date when you</p> <p>4 loaded it looks like you were beaming out to</p> <p>5 different companies, can you confirm this entry on</p> <p>6 1/17 what does the note say?</p> <p>7 A. Beamed out to North Star.</p> <p>8 Q. North Star Location Services?</p> <p>9 A. Yes.</p> <p>10 Q. And you already explained that you did</p> <p>11 hire them as a collection agency to collect this</p> <p>12 debt?</p> <p>13 MR. LITTLE: Form.</p> <p>14 Q. Correct?</p> <p>15 A. Correct.</p> <p>16 Q. Prior to that though you had beamed out</p> <p>17 to several other collection agencies one of them was</p> <p>18 the first one, you can read this entry on 3/17/2016</p> <p>19 who was it beamed out to on that day?</p> <p>20 A. Global Resolution Group.</p> <p>21 Q. Can you read this entry on 7/14/17, well</p> <p>22 I have to take that back because this is a different</p> <p>23 collection agency name here.</p> <p>24 A. That's correct.</p> <p>25 Q. They are all very similar, there should</p>

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<p>1 2 be more creative names. At some point it's beamed 3 out to Global Mediation Groups, correct? 4 A. Yes. 5 Q. Can you read this entry on 7/14/2017? 6 A. Added to queue cease and desist. 7 Q. What does that mean to you? 8 A. It means that the collection agency 9 either was told not to call the consumer or received 10 some sort of written documentation and we closed the 11 account, put it to cease and desist. 12 Q. Can you tell me what indicates that you 13 closed the account? 14 A. The queue itself cease and desist. 15 Q. But would you agree with me then that you 16 knew before November 7 that Ms. Mullery had 17 requested that communications cease and that she 18 refused to pay this debt? 19 A. That date specifically? 20 Q. That JTM knew? 21 A. I don't know specifically what JTM knew. 22 Q. Would you agree that your account notes 23 say that she refused to pay the debt and that 24 collection cease in July of 2017? 25 MR. LITTLE: Objection to form.</p>	<p>1 2 Q. Do you physically sit down and enter all 3 of the information by hand into the system? 4 A. No, all of the information gets mapped in 5 from the excel spreadsheet. 6 Q. So it would take the address and put it 7 in the address cell and the phone number and put it 8 in the phone number cell? 9 A. Yes. 10 Q. And then you would go through make sure 11 everything is correct or do you even take that step? 12 A. We run exceptions and things of that 13 nature, so to the best of our knowledge we validate 14 the information. 15 Q. Now I only have the one line through the 16 spreadsheet so I don't know how big this portfolio 17 was, how many debts would you say are typically in a 18 portfolio? 19 MR. LITTLE: Objection, you can 20 answer if you know. 21 A. I can't answer because it varies. 22 Q. Are there ever less than 100? 23 A. It could be, you buy a specific dollar 24 amount. In theory it could be, it could be 25 anything, it could be a million, it could be one if</p>
<p>1 2 Q. You can answer if you know. 3 A. I don't know. 4 Q. The phone number for Ms. Mullery has a 5 note that says "hot", what does that mean? 6 A. Simply means that's our knowledge of her 7 direct number. 8 Q. Does it mean that one of the collection 9 agencies has reached her at that number? 10 A. No, it doesn't mean that, it means to the 11 best of our knowledge that's her phone number. 12 Q. I don't want you to read this entire 13 address because I don't want it to be redacted from 14 the record but can you verify the state of her 15 address? 16 A. New York. 17 Q. Can you explain to me, because you loaded 18 this account, can you explain to me the process of 19 loading an account like this? 20 A. I have not loaded an account in at least 21 three years so I can't tell gently explain it at 22 this point. 23 Q. What do you get that gets this 24 information into the system, is it automatic? 25 A. No, it's an excel spreadsheet.</p>	<p>1 2 you choose to buy one. 3 Q. When you load these accounts, well when 4 you loaded this account in this portfolio do you 5 recall how long you spent running exceptions? 6 A. I do not. 7 Q. How long do you typically spend, how many 8 hours or minutes? 9 A. Again it's tough for me to answer that 10 question, it's been several years. 11 Q. And this is still the same exhibit, you 12 would agree that this was produced by you in 13 response to our discovery requests? 14 A. Correct, it would have been produced by 15 JTM. 16 Q. And there is Ms. Mullery's name, account 17 number, information, do you know what this means 18 system FDR? 19 A. I don't recall ma'am. 20 Q. Are these your documents, is this 21 something generated and kept by JTM? 22 A. I think we generated specifically, it's 23 not something that we keep on individual accounts. 24 I think we didn't - we exported it from our system 25 for you specifically.</p>

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<p>1 2 Q. What system is that? 3 A. Beam. 4 Q. This is exported from Beam? 5 A. Correct, all of the information that we 6 had we provided. 7 Q. And all of the information that you had 8 was in Beam? 9 A. Yes. 10 Q. So when it says System FDR do you know 11 what that means? 12 A. I don't. 13 Q. Can you read the address? 14 A. 211 West Wacker Street, suite 750, 15 Chicago, Illinois 60606. 16 Q. And then there is a phone number 17 beginning with a 312? 18 A. Yes. 19 Q. Have we seen this address before? 20 A. I believe so. 21 Q. And when was that? 22 A. I'm not sure, I know that we just seen it 23 recently. 24 Q. I can refresh your recollection, going 25 back to the complaint Exhibit 2 would you confirm</p>	<p>1 2 get information to us for attorney rep we will 3 update the system. 4 Q. So you think that this address in the 5 spreadsheet is something that you updated after the 6 fact? 7 A. I honestly don't know ma'am, I can't 8 attest to it because I don't know the answer. 9 Q. Would you confirm that this was sent to 10 Ms. Mullery in what state? 11 A. New York. 12 Q. Going back to your document production 13 this phone number again begins with 312, I'm in 14 Chicago this is the Chicago area code, you may not 15 be aware of that but if we go back to the account 16 notes is there a 312 number anywhere on here? 17 A. No but it looks like there was another 18 number in there, it's not uncommon for us to have 19 multiple numbers and addresses for consumers. 20 Q. Is there another address in here? 21 A. I can't tell from this particular screen 22 shot. 23 Q. Well is there another address for Ms. 24 Mullery, I can show you the other screen shot. 25 Apparently this is all you have and all you produced</p>
<p>1 2 this is the same address? 3 A. Yes. 4 Q. So this is her attorney's address? 5 A. Yes. 6 Q. Now if the accounts are loaded 7 automatically on the excel spreadsheet how is it 8 that this address was not listed in your system? 9 A. We probably updated it when we got served 10 and this was provided after the fact. 11 Q. So probably you updated it when you got 12 served with the lawsuits? 13 A. Yes. 14 Q. Why then was the collection letter from 15 North Star Location Services sent to her home 16 address? 17 A. Because we were served after the letter 18 was sent. 19 Q. But if you didn't update the address 20 until after the letter was sent North Star would 21 have had this address? 22 A. No, ma'am when we were sued by you guys, 23 when you guys served us we would update the 24 information that was provided to us. So again, I 25 can't speak specifically all I know is that when we</p>	<p>Page 55</p> <p>1 2 to us, is there another address for Ms. Mullery 3 here? 4 A. No. 5 Q. On this date on November 8, 2017 can you 6 read the note from what looks like Michael Hyla? 7 A. On November 8 it says legal action. 8 Q. Now looking at all of the account notes 9 subsequent to that day is there anything that 10 indicates that you would have changed or entered new 11 contact information for her? 12 A. No. 13 Q. Had that occurred would that be noted in 14 here? 15 A. I'm not sure. 16 Q. So for example if you found out from a 17 collector this home number that is marked as hot is 18 a bad number, it's disconnected you don't know 19 whether that would be noted in your system? 20 A. I don't know ma'am. 21 Q. Do you know what charge off type 97 is? 22 A. I don't know, it was probably information 23 provided. 24 Q. By who? 25 A. UDH.</p>

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<p>1 2 Q. Can you without reading the entire 3 address note the state in this address one? 4 A. New York. 5 Q. And what does app address mean, do you 6 know what that refers to? 7 A. No. 8 Q. So somehow this app address which seems 9 to be secondary in the notes made its way to the 10 system as her primary address? 11 MR. LITTLE: Form. 12 Q. Is that true? 13 A. I believe so. 14 Q. Can you identify what is marked as the 15 UDH purchase date? 16 A. You want me to say it? 17 Q. Yes. 18 A. May 28, 2015. 19 Q. So they bought it May 28, 2015 you 20 believe that your joint venture started March 17, 21 2016 when you loaded it into your system? 22 A. Yes. 23 Q. What does this flex tag UDH2 mean? 24 A. I don't know. 25 Q. I know I have been scrolling kind of</p>	<p>1 2 A. You are correct. 3 Q. JTM is not mentioned anywhere in this 4 spreadsheet? 5 A. No. 6 Q. This information about UDH to flex tag 7 did anyone at JTM or formally JTM potentially at UDH 8 know what that means? 9 A. Not to my knowledge and I can't speak for 10 UDH. 11 Q. I am going to go back to the document 12 production request, this has been the subject of 13 some motion practices as you may be aware. Can you 14 read the request and your response for number 6 and 15 again try to do it slowly for the sake of the 16 reporter. 17 A. All documents regarding Ms. Mullery's 18 alleged Continental Finance credit union account, 19 including but not limited to any asset, purchase 20 forward flow agreements, signed account agreements 21 card carriers, terms and conditions and any 22 correspondence from Ms. Mullery or her attorney. 23 Response JTM objects to this request as it seeks 24 information outside allegations of complaint and not 25 proportional to the needs of the case, specifically</p>
<p>1 2 fast, this last thing says seller Continental 3 Finance Company, LLC so what does that mean? 4 A. It means, I would venture to assume – 5 MR. LITTLE: We don't want you to 6 assume. 7 A. I don't know specifically what it means. 8 Q. Well it says that Continental Finance 9 Company sold the debt, correct? 10 MR. LITTLE: Form. 11 A. Correct, that's what it says. 12 Q. Generally that means they are the party 13 that sold the debt to apparently here as UDH? 14 A. Yes. 15 Q. Now I know I scrolled through this fast 16 and I am happy to drop this in the chat and review 17 it but was JTM mentioned anywhere in this 18 spreadsheet? 19 A. Not to my knowledge. 20 Q. Do you want to review it? 21 A. Sure. 22 Q. This includes the collection services 23 agreement so if you want to look just at the 24 spreadsheet go all the way to the bottom once you 25 open it.</p>	<p>1 2 the FDCPA is a strict liability statute and the 3 terms under which JTM acquired plaintiff's account 4 have no bearing on whether it violated the FDCPA 5 here. In addition JTM objects as this request seeks 6 confidential and proprietary information, JTM is 7 withholding information responsive to this request 8 notwithstanding and without waiver foregoing, other 9 than what's attached to the complaint. JTM does not 10 process any correspondence from plaintiff or her 11 attorney. 12 Q. I am going to break this down a little 13 bit, I know that you objected to this request 14 because you didn't believe it was relevant or 15 proportional to the needs of the case but 16 specifically you said that JTM is withholding 17 information responsive to this request. When this 18 request was made did you seek this information, did 19 you try to find it? 20 A. No. 21 Q. So you didn't try to find any asset 22 purchase agreement or flow agreement assignments? 23 A. We determined it wasn't relevant so no 24 Brendan and I discussed it. 25 MR. LITTLE: I don't want you to</p>

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<p>1 2 talk about conversations that you had 3 with me. 4 Q. So you did not attempt to find it? 5 A. I did not. 6 Q. You did not reach out to UDH to see if 7 they had anything? 8 A. I did not. 9 Q. To the best of your recollection did you 10 have anything at that time? 11 A. I don't believe so to the best of my 12 knowledge. 13 Q. Did any money exchange hands between JTM 14 and UDH regarding the purchase of this portfolio? 15 A. I don't recall. 16 Q. Have you researched this, have you looked 17 at your books to see if anyone exchanged hands? 18 A. I have not. 19 Q. Has anyone else? 20 A. Not to my knowledge. 21 Q. That discovery response was the subject 22 of some motion practice, we move to compel the 23 response you and your counsel objected to the motion 24 to compel but ultimately it was compelled and then 25 JTM issued supplemental responses, were you aware</p>	<p>1 2 the foregoing other than what is attached to the 3 complaint. JTM does not possess any correspondence 4 from plaintiff or her attorney or any additional 5 documents responsive to this request. 6 Q. You would agree that this is similar to 7 your last response? 8 A. Yes. 9 Q. Just breaking this down again, you object 10 even though the court did compel you to produce 11 whatever you had and you responded that you didn't 12 have any such documents? 13 MR. LITTLE: Objection to form. 14 Q. Correct? 15 A. Correct. 16 Q. Did you look? 17 A. I believe we did at this time and nothing 18 exists. 19 Q. So by the time you were compelled to look 20 for something you couldn't find anything? 21 A. Correct, something may not have existed 22 in the first place, we did a lot of handshake deals. 23 Q. You did a lot? 24 A. I guess, defining a lot would be 25 difficult but we have done handshake deals.</p>
<p>1 2 that supplemental responses were issued? 3 A. Possibly, I don't recall specifically. 4 Q. Have you reviewed the supplemental 5 responses? 6 A. I may have at some point, again I don't 7 recall specifically. 8 Q. These are the supplemental responses. 9 (Whereupon, the aforementioned 10 document was marked as Plaintiff's 11 Exhibit 5 for identification as of this 12 date by the Reporter.) 13 Q. Exhibit 5 and again same request number 6 14 you don't have to read the request again but can you 15 read JTM's supplemental response and if you would do 16 so slowly for the reporter. 17 A. JTM objects to this request as it seeks 18 information outside the allegations of the complaint 19 and not proportional to the needs of the case. 20 Specifically the FDCPA is a strict liability statute 21 and the terms under which JTM acquired plaintiff's 22 account have no bearing on whether it violated the 23 FDCPA hear in. In addition JTM objects to this 24 request as it seeks confidential and proprietary 25 information, notwithstanding and without waiver of</p>	<p>1 2 Q. Percentage of your business with 3 handshake deals? 4 A. It would be hard to define. 5 Q. Who shook whose hand? 6 A. UDH and JTM specifically. 7 Q. You identified someone at UDH previously, 8 I can't remember Michael had been the first name who 9 at UDH? 10 A. Craig Mansoff. 11 Q. Is he the only person at UDH that you 12 were making these oral and written agreements with? 13 A. I don't recall. 14 Q. Do you recall any of the terms of these 15 agreements? 16 A. Not specifically, no. 17 Q. How many would you say you did, let's 18 start in the relevant years because you know the 19 years that these debts were purchased, how many 20 would you say you did in 2016 with UDH? 21 MR. LITTLE: Outside the scope of 22 the notice, his answer is not going to 23 bind the company. You can answer if you 24 know. 25 A. I don't recall.</p>

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<p>1 2 Q. 2017? 3 MR. LITTLE: Same objection. 4 A. I don't recall. 5 Q. 2018? 6 MR. LITTLE: Same objection. 7 A. I don't recall. 8 Q. How big of a joint venture client was UDH 9 with JTM and a percentage of your business? 10 MR. LITTLE: Same objection. 11 A. I don't know specifically. 12 Q. Generally would you say it represented a 13 significant part of your business? 14 A. I don't want to answer – 15 MR. LITTLE: Same objection. 16 A. I don't specifically know. 17 Q. Well previously you testified that you 18 did a lot of handshake details? 19 A. And then I corrected my statement. 20 Q. Corrected by saying that you couldn't 21 define a lot? 22 A. Yes. 23 Q. Would you say more than five? 24 A. I wouldn't say more than anything because 25 again I don't know specifically and I don't want to</p>	<p>1 2 A. Yes, probably. 3 (Whereupon, an off-the-record 4 discussion was held at this time.) 5 Q. I am going to do a screen share going 6 back to Exhibit 2 and this is the complaint. This 7 is the complaint that you were served in 2017. We 8 went over a few allegations, I am going to go over a 9 specific part at the end here, page 6. Do you see 10 that these are the attorneys that filed the lawsuit 11 from Phillips & Phillips, there is my name. Can you 12 read the address and the city and state here? 13 A. 9760 South Roberts Road, suite one, Palos 14 Hills, Illinois. 15 Q. This is the law firm that sued JTM on 16 behalf of Ms. Mullery, correct? 17 A. Yes. 18 Q. So after you were served with the 19 complaint would you have updated the information in 20 your account to this address? 21 A. It doesn't happen in every account, it's 22 possible. I can't speak to four years ago. 23 Q. Why after you were served with this 24 lawsuit would you update the account information to 25 the legal aid attorneys?</p>
<p>1 2 give the wrong answer. 3 Q. Would there be any way for you to find 4 out, they are handshake deals but there has to be 5 some evidence? 6 A. I'm not sure ma'am. 7 Q. Were you doing handshake deals with other 8 companies? 9 A. We have done them in the past, yes. 10 Q. Regularly? 11 MR. LITTLE: Objection to form. 12 A. With at least one other company correct. 13 Q. At least one other company? 14 A. To my knowledge one other company. 15 Q. What company was that? 16 A. South Western Investment Group. 17 Q. What else can you tell me about UDH, 18 where are they located? 19 A. In Colorado. 20 Q. No longer functional? 21 A. No. 22 Q. How did you become connected with UDH? 23 A. Just industry, you know contacts nothing 24 specific. 25 Q. Conventions?</p>	<p>1 2 A. Again, I was making an assumption at that 3 point ma'am and I corrected myself at the end saying 4 I couldn't speak to that. I probably spoke out of 5 turn, I don't know specifically why or how that 6 address got there. 7 Q. One more document that I want to go over 8 before we wrap this case up. This is your discovery 9 responses and specifically the pages with the 10 account notes. Now you mentioned that you had 11 handshake agreement with UDH and didn't have any 12 record of that joint venture, nothing in writing to 13 confirm the terms, you don't recall what the terms 14 were; is that correct? 15 A. Yes. 16 Q. And I don't know the answer to this but 17 when it says fee rate here at the bottom does that 18 refer to anything involving UDH? 19 A. No, that's what we gave, the fee out to 20 the agencies, well that we gave the agencies 21 specifically. 22 Q. So North Star Location Services for 23 example? 24 A. Yes. 25 Q. So if they got any payments on these</p>

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<p>1 debts they would get to keep 35 percent?</p> <p>3 A. Yes.</p> <p>4 Q. But no indication on any of these pages</p> <p>5 how much you had agreed to give UDH?</p> <p>6 A. Correct.</p> <p>7 Q. And you testified that UDH maintained at</p> <p>8 least some ownership of this account?</p> <p>9 A. Correct.</p> <p>10 Q. So going back to Exhibit 2 and exhibit D</p> <p>11 there of when it says current creditor JTM is that a</p> <p>12 true statement?</p> <p>13 A. Yes.</p> <p>14 Q. How is that true if UDH owns at least</p> <p>15 partially the account?</p> <p>16 A. It was a financial interest.</p> <p>17 Q. Can you explain what you mean by that?</p> <p>18 A. It would have been a financial interest,</p> <p>19 they would have gotten a certain percent back.</p> <p>20 Again, I can't speak to her because I don't remember</p> <p>21 the terms of our agreement.</p> <p>22 Q. What's the difference between maintaining</p> <p>23 a financial interest and maintaining ownership of</p> <p>24 the debt?</p> <p>25 A. More technical, so again I don't recall</p>	<p>1 date by the Reporter.)</p> <p>3 Q. This is the file complaint in Perry</p> <p>4 versus JTM, again same questions that I asked for</p> <p>5 Ms. Mullery, have you seen this before today?</p> <p>6 A. Same answer as before, I may have but not</p> <p>7 in deep review.</p> <p>8 Q. Would you agree that the allegations are</p> <p>9 similar, that Ms. Perry's alleged that JTM hired a</p> <p>10 collector to contact her after she had notified her</p> <p>11 original creditor that she refused to pay her debt</p> <p>12 and was represented by an attorney?</p> <p>13 A. Yes, the allegations are the same.</p> <p>14 Q. Now in this case there is a different</p> <p>15 original creditor, it's Community Bank slash Express</p> <p>16 which is a retail outlet and the third party</p> <p>17 collector is Weltman, Lineburg & Reese, would you</p> <p>18 confirm that?</p> <p>19 A. Yes.</p> <p>20 Q. So then would you confirm that aside from</p> <p>21 those two differences and then the date of the</p> <p>22 letter which is March 4, 2017 paragraph ten is</p> <p>23 pretty similar to Ms. Mullery's complaint?</p> <p>24 A. Yes.</p> <p>25 Q. I think this is exhibit C, you could</p>
<p>1 the exact terms of the agreement but JTM is the</p> <p>3 owner.</p> <p>4 Q. But my question is the difference between</p> <p>5 owning the accounts and maintaining a financial</p> <p>6 interest?</p> <p>7 A. We could have – it could have been</p> <p>8 hypothetical in the sense where we owned it but we</p> <p>9 didn't pay them completely up front. We paid a down</p> <p>10 payment and then had a payment interest, again I</p> <p>11 don't remember the specific terms of our agreement</p> <p>12 at that time so it's merely financial.</p> <p>13 Q. That concludes all of my questions about</p> <p>14 the Mullery matter. Now I am going to turn to the</p> <p>15 Perry matter, this should take a lot less long</p> <p>16 because the allegations are similar, very similar.</p> <p>17 There will be questions like is this the same as</p> <p>18 what you said for the Mullery matter, looks like we</p> <p>19 took over two hours for the first one. I imagine</p> <p>20 this would be a lot less unless there is something</p> <p>21 unexpected that needs to be discussed that I am not</p> <p>22 aware of yet. I am going to produce now Exhibit 6.</p> <p>23 (Whereupon, the aforementioned</p> <p>24 document was marked as Plaintiff's</p> <p>25 Exhibit 6 for identification as of this</p>	<p>1 review this briefly, would you agree that this is</p> <p>3 similar if not nearly identical to exhibit C in the</p> <p>4 Mullery matter?</p> <p>5 A. Yes.</p> <p>6 Q. And that it was sent from Legal Advocates</p> <p>7 For Seniors and People From Disabilities in Chicago?</p> <p>8 A. Yes.</p> <p>9 Q. And it was sent to Express slash</p> <p>10 Commodity Bank?</p> <p>11 A. Yes.</p> <p>12 Q. That it conveyed that Ms. Perry was</p> <p>13 represented by an attorney who couldn't afford to</p> <p>14 pay her debt and refused to pay her debts?</p> <p>15 A. Correct.</p> <p>16 Q. Exhibit D can you read this?</p> <p>17 A. Yes.</p> <p>18 Q. I want to make sure it wasn't too small</p> <p>19 or anything, would you agree that this a letter from</p> <p>20 Weltman, Weinburg & Reese Company essentially,</p> <p>21 right?</p> <p>22 A. Yes.</p> <p>23 Q. Did you hire them to collect this debt?</p> <p>24 A. Yes.</p> <p>25 Q. Can you confirm Ms. Perry's address to</p>

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<p>1 2 which this was sent, the state? 3 A. No, it looks like it's redacted to the 4 point where I can't confirm. 5 Q. Can you tell what state that abbreviation 6 is now? 7 A. Looks like SO, I don't think that's a 8 state. 9 Q. Is it SC? 10 A. I don't know. 11 Q. But SC is a state? 12 A. Yes. 13 Q. Are you familiar with JTM's answer to the 14 complaint in this matter? 15 A. Again I may have reviewed it at the time, 16 not in depth review. 17 (Whereupon, the aforementioned 18 document was marked as Plaintiff's 19 Exhibit 7 for identification as of this 20 date by the Reporter.) 21 Q. Can you read your answer to paragraph 22 ten? 23 A. JTM denies each and every allegation in 24 paragraph ten. 25 Q. And we just looked at paragraph ten and</p>	<p>1 2 Q. Did your agreement specify that they 3 could not litigate on it? 4 A. I believe it was just a collection 5 services agreement. 6 Q. Does that collection services agreement 7 specify that they couldn't litigate on it? 8 A. I don't think it addresses it one way or 9 another, it's not a law firm services agreement 10 which are different. 11 Q. Does the collection services agreement 12 address the issue of litigation? 13 A. I believe it says you have to follow the 14 FDCPA it does not, if we are not intending to 15 litigate it you can't threaten litigation. I'd like 16 to correct something if you don't mind, in terms of 17 lease we are allowed to litigate, we need to go 18 through Southwestern to do it so again I probably 19 misspoke on that but we are allowed to litigate but 20 would have to go through them. 21 Q. Tell me a little bit about Southwestern 22 Investors Group and your lease with them, first of 23 all Southwest Investors Group still around? 24 A. They are not, I believe they filed for 25 bankruptcy.</p>
<p>1 2 decided it was about the same as Mullery's 3 complaint, do you deny that JTM bought the Commodity 4 Express account? 5 A. Technically yes, we leased it. 6 Q. What does that mean? 7 A. It means that we leased ownership and 8 then we have to essentially – basically it meant we 9 couldn't litigate on it that was the only outcome. 10 Q. Was this lease committed to writing? 11 A. Not to my knowledge. 12 Q. Who was the lease with? 13 A. South Western Investment Group. 14 Q. Do you deny that JTM ignored information 15 in the account notes that indicated that Ms. Perry 16 had an attorney and refused to pay the debt? 17 A. Absolutely. 18 Q. You deny that you ignored it or that it 19 was in the account notes? 20 A. I deny that it was provided to us, it was 21 not provided to us to be clear. 22 Q. So if you lease this debt that means to 23 you that you could collect but not litigate on it, 24 why did you send it to collection to a law firm? 25 A. They are a collection agency as well.</p>	<p>1 2 Q. When was that? 3 A. I'm not sure, over a year ago I believe. 4 Q. Your lease was it committed to writing? 5 A. I don't believe so, I don't recall at the 6 time, again I believe we leased – it was five plus 7 years ago. 8 Q. So pursuant to the lease South Western 9 Investors Group maintained ownership of the debt, 10 correct? 11 A. No. 12 Q. I want to make sure I understand, you own 13 the debt but you were leasing it from SouthWest 14 Collection Group? 15 A. My understanding is that we own the debt 16 completely in terms of the lease. 17 Q. But you had to go to Southwest Investors 18 Group to file a lawsuit even though you owned it? 19 A. Yes. 20 Q. So what ownership interest did they 21 maintain? 22 A. They didn't, we had 100 percent rights to 23 the file, there were just litigation constraints. 24 Q. So you couldn't have filed a small claims 25 suit without their permission, could you have filed</p>

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	<p>1 2 a proof of claim in bankruptcy? 3 A. I don't recall the terms of the lease 4 specifically. 5 Q. Did you negotiate the lease, was this 6 something that you did? 7 A. Yes. 8 Q. I know its dissolved and they declared 9 bankruptcy but who did you negotiate with at South 10 West Investors Group? 11 A. I don't recall specifically. 12 Q. Did you pay up front for the lease? 13 A. Yes. 14 Q. Do you know how much you paid? 15 A. No. 16 Q. Is there anything that would refresh your 17 recollection? 18 A. Not to my knowledge. 19 Q. Is this something that would have 20 appeared in your books? 21 A. I'm not sure. 22 Q. Do you have any recollection of the 23 percentage of the portfolio that you would have 24 paid? 25 MR. LITTLE: Form.</p>	<p>1 2 Exhibit 8 for identification as of this 3 date by the Reporter.) 4 Q. This is the initial responses to 5 discovery, have you seen this before today? 6 A. I'm sure I have, again I am sure I have 7 but no specific review. 8 Q. Same question again, did you verify these 9 responses? 10 A. It looks like Mike Hyla did. 11 Q. Did he confer with you at all when he was 12 verifying these? 13 A. I don't recall. 14 Q. When did you find out that Ms. Perry had 15 a lawyer and refused to pay these debts, without 16 making you read these responses into the record 17 again would you acknowledge that your responses were 18 when you were served with the complaint? 19 A. Yes. 20 Q. I am going to ask for request for 21 production 23 about the affirmative defenses, do you 22 agree in this matter that you are relying to support 23 your affirmative defenses and we can go back to 24 those because I don't think I specifically did that. 25 Let's go back to Exhibit 6 the file complaint in</p>	
	<p>1 2 A. I'm not going to answer that question but 3 the answer is no, I don't recall. 4 Q. So you said that you did pay up front 5 rather than after collection or some other 6 arrangement? 7 A. I believe so, yes. 8 Q. What did you physically get from South 9 Western that permitted you to contact Ms. Perry? 10 MR. LITTLE: Form. 11 A. I don't understand the question. 12 Q. What did you get from SouthWest Investors 13 Group, first of all – 14 A. How did we get the information? 15 Q. Yes, did you get an excel spreadsheet? 16 A. Yes. 17 Q. So everything that you got from them you 18 put into your system? 19 A. Yes. 20 Q. And everything that you have given to us 21 is everything that they gave to you and everything 22 that you have? 23 A. To the best of my knowledge, yes. 24 (Whereupon, the aforementioned 25 document was marked as Plaintiff's</p>	<p>1 2 this matter in your affirmative defenses, I want to 3 confirm that they are the same. I'm sorry it's 4 Exhibit 7, can you acknowledge that these are the 5 same affirmative defenses as the Mullery complaint? 6 A. Yes. 7 Q. For request for production so we are back 8 on to Exhibit 8 request for production number 23. 9 Your evidence for your affirmative defenses are the 10 account notes that you produced for this account, 11 correct? 12 A. Yes. 13 Q. You haven't supplemented this? 14 A. Not to my knowledge. 15 Q. These are the account notes and it's a 16 little longer so it actually goes over 6 pages so I 17 see it says owned and serviced by us, correct? 18 A. Yes. 19 Q. Us being JTM? 20 A. Yes. 21 Q. Do you see anything on this page that 22 references the South West Investor Group? 23 A. No. 24 Q. I see a note here beamed out can you tell 25 me why that doesn't have a date and what that means?</p>	Page 81

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<p>1</p> <p>2 A. It doesn't mean anything, that must have</p> <p>3 been where the mouse was.</p> <p>4 Q. So you were hovering on this page?</p> <p>5 A. I wasn't.</p> <p>6 Q. Whoever printed this?</p> <p>7 A. Yes.</p> <p>8 Q. So this box shows what is being hovered</p> <p>9 over here, do you see anything that indicates that</p> <p>10 Southwest Investors Group was involved?</p> <p>11 A. No.</p> <p>12 Q. On this page it says there was a legal</p> <p>13 action that was placed on a different queue, can you</p> <p>14 confirm the date on which that happened?</p> <p>15 A. 10/26/2017.</p> <p>16 Q. On 10/19/17 there are notes I can't quite</p> <p>17 read that name.</p> <p>18 A. It's just a user name, I believe it's</p> <p>19 Leah Copansky.</p> <p>20 Q. Who is that?</p> <p>21 A. She worked for JTM for a month.</p> <p>22 Q. Can you read the note and tell me what it</p> <p>23 means?</p> <p>24 A. I'm sorry which one?</p> <p>25 Q. That says other.</p>	<p>1</p> <p>2 A. She works for herself, she is 1099.</p> <p>3 Q. But she had access to JTM system?</p> <p>4 A. On a contract basis.</p> <p>5 Q. When was that contract?</p> <p>6 A. During this timeframe towards the end of</p> <p>7 2017.</p> <p>8 Q. What does this note mean?</p> <p>9 A. Systematically it got changed to UHG1, it</p> <p>10 doesn't mean that we assigned to them but most</p> <p>11 likely it's a systematic error due to the fact that</p> <p>12 we were trying to do some things on a mass level so</p> <p>13 it probably got caught up in there.</p> <p>14 Q. And you can take as long as you want if</p> <p>15 her mouse was on this screen, this screen is where</p> <p>16 this information on the right should have come from</p> <p>17 is that right?</p> <p>18 A. Yes, it's probably there. I don't know</p> <p>19 where it is but it should be there.</p> <p>20 Q. Can you find it for me because I haven't</p> <p>21 been able to find it?</p> <p>22 A. It could be just on how the picture was</p> <p>23 taken, I'll look for you but it may not be there.</p> <p>24 Q. Let me know yes or no if it's there.</p> <p>25 A. I don't think it's there.</p>
<p>1</p> <p>2 A. We were trying to put together some</p> <p>3 payment for automatic work flows, nothing to do with</p> <p>4 the consumer or the account.</p> <p>5 Q. So you were changing the work flows what</p> <p>6 does that mean?</p> <p>7 A. I am not exactly sure what specifically</p> <p>8 was happening at the time but I know that we were</p> <p>9 trying for automation.</p> <p>10 Q. What were you trying to automate?</p> <p>11 A. Probably recall, again I don't want to</p> <p>12 speculate I don't know at the time.</p> <p>13 Q. There is a note here and I don't know</p> <p>14 where the pictures are can you read this note on the</p> <p>15 right?</p> <p>16 A. Portfolio owners changed from UHG1.</p> <p>17 Q. Can you see where this is on the account</p> <p>18 notes?</p> <p>19 A. He may not have – it just means the</p> <p>20 cursor is on it, it's in the notes if it's there it</p> <p>21 should be in the notes.</p> <p>22 Q. Who is R-O-S-A-N-D?</p> <p>23 A. Consultant Andrea Rose, she is not an</p> <p>24 employee.</p> <p>25 Q. Where does she work?</p>	<p>1</p> <p>2 Q. Is it on this page?</p> <p>3 A. I don't see it, no.</p> <p>4 Q. Is it your testimony today that this</p> <p>5 account was never changed to UHG?</p> <p>6 A. Correct, yes it was not.</p> <p>7 Q. And that's an error?</p> <p>8 A. Yes.</p> <p>9 Q. And UHG never owned this account?</p> <p>10 A. Correct.</p> <p>11 Q. I also see after that she was marked as</p> <p>12 deceased and that's an error?</p> <p>13 A. We were trying to do automation and it</p> <p>14 was an error obviously.</p> <p>15 Q. You talked about something being</p> <p>16 systematic before and I apologize what were you</p> <p>17 referring to being systematic?</p> <p>18 A. I believe it was the change of portfolio</p> <p>19 owner.</p> <p>20 Q. That's just an error?</p> <p>21 A. Yes.</p> <p>22 Q. I have document 7 and the amount of the</p> <p>23 debt on that date, so going back this is the first</p> <p>24 page. Again we already looked at it can you</p> <p>25 identify the date you obtained this debt?</p>

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	<p>1 2 A. 7/30/2015. 3 Q. What about that tells you that you leased 4 that date? 5 A. It says in preview. 6 Q. Going to the address information can you 7 identify and you don't have to tell me the state but 8 the abbreviation for the state in which Ms. Perry 9 lives according to these notes? 10 A. South Carolina. 11 Q. There are two phone numbers here do 12 either of them start with 312? 13 A. I don't see anything. 14 Q. Now you testified that the spreadsheet 15 had been generated by your system? 16 A. Yes. 17 Q. Why was one line from a spreadsheet not 18 produced for Ms. Perry? 19 A. I don't recall. 20 Q. Could you have produced a spreadsheet 21 from Ms. Perry? 22 A. Yes, we could do the same export 23 specifically. 24 MS. ROBERTSON: I am going to ask 25 after this deposition that such a</p>	<p>1 2 account? 3 MR. LITTLE: Other than his 4 testimony? 5 MS. ROBERTSON: Yes. 6 Q. Other than your testimony do you have 7 proof that you paid for this account? 8 A. Not to my knowledge. 9 Q. Have you looked for proof that you paid 10 for this account? 11 A. I believe we did at a certain point and I 12 could not find the document. 13 Q. Do you recall what you did to try to find 14 it? 15 A. No, I know that we were looking for it 16 though. 17 Q. I am going to see if I can refresh your 18 recollection, this is the same thing that happened 19 in the Mullery matter. We move to compel response 20 to a request and if I can go back to our document 21 production request number 6, I am not going to force 22 you to read the question and the response out loud 23 but if you can carefully read it to yourself and let 24 me know when you are done? 25 A. Done.</p>	
	<p>1 2 spreadsheet be produced. 3 MR. LITTLE: You can follow-up in 4 writing. 5 Q. Can you acknowledge that you have never 6 produced the lease agreements or any written 7 documentation of your ownership of this debt? 8 A. To the best of my knowledge I don't have 9 any of the documents. 10 Q. To the best of your knowledge does such a 11 document exist? 12 A. I don't know. 13 Q. Does JTM have policies regarding 14 documentation of leases? 15 A. No, not to my knowledge. 16 Q. Well you are the founder and president? 17 A. Correct but I don't memorize every 18 policy. 19 Q. Do you sign off on them? 20 A. When they are created. 21 Q. You have no proof that you paid for this 22 account? 23 MR. LITTLE: Form, other than his 24 testimony? 25 Q. Do you have proof that you paid for this</p>	<p>1 2 Q. Would you agree that this requests any 3 asset purchase agreement, flow agreements, 4 assignment, signed account agreements or any 5 evidence that would show that you owned the debt? 6 MR. LITTLE: Objection to form, 7 that's not what it says you can answer if 8 you know. 9 A. I understand what the request is and I 10 understand what our response was. 11 Q. So you objected and like the Mullery case 12 you also said that you were withholding any 13 information responsive? 14 A. Yes, that's what it says yes. 15 Q. And then you said that you don't have any 16 correspondence from Ms. Perry or her attorneys, 17 correct? 18 A. Correct. 19 Q. Similar to the Mullery matter we move to 20 compel, JTM's counsel responded and you supplemented 21 your discovery? 22 (Whereupon, the aforementioned 23 document was marked as Plaintiff's 24 Exhibit 9 for identification as of this 25 date by the Reporter.)</p>	Page 89

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<p>1 2 Q. I am not going to make you read this out 3 loud because it is identical to the response in the 4 Mullery matter but if you can read it to yourself 5 and confirm when you are done?</p> <p>6 A. I read it.</p> <p>7 Q. Would you agree that you raised the same 8 objections and you said that other than what is 9 attached to the complaints that you don't have any 10 correspondence?</p> <p>11 A. Correct.</p> <p>12 Q. And you objected on a few basis and just 13 to refresh your recollection these were produced in 14 May of 2020 so almost a year ago. At this time did 15 you search for any evidence of the lease?</p> <p>16 A. Yes.</p> <p>17 Q. That's when you searched for the evidence 18 of the lease?</p> <p>19 A. Yes, when it was requested again and we 20 were compelled to provide we looked for it and it 21 didn't exist.</p> <p>22 Q. I know that it's been a year but what did 23 you do to try to find it?</p> <p>24 A. Generally looked for it through file 25 cabinets and things of that nature, that's what you</p>	<p>1 2 leases and contracts?</p> <p>3 A. From JTM, yes.</p> <p>4 Q. No policies regarding tape, backups, 5 cloud backups?</p> <p>6 A. I'm not sure currently but at that time 7 specifically no, particularly when these agreements 8 were made.</p> <p>9 Q. Have you ever had a dispute with someone 10 that you had a lease with or someone that you had a 11 joint venture with?</p> <p>12 A. Yes.</p> <p>13 Q. And if you have not documented your lease 14 or your joint venture how do you resolve these 15 disputes?</p> <p>16 A. You try to work it out amicably and you 17 know usually you do. Usually the issues are minute 18 enough to where you work it out.</p> <p>19 Q. What if they aren't?</p> <p>20 A. Litigation.</p> <p>21 MR. LITTLE: Outside the scope 22 objection, you can answer if you know.</p> <p>23 Q. Do you have leases drafted by counsel?</p> <p>24 A. For what this in particular?</p> <p>25 Q. Sure.</p>
<p>1 2 do when you look for a document.</p> <p>3 Q. Did you call anyone from SouthWest 4 Investors Group?</p> <p>5 A. I did not, at this point they were in 6 bankruptcy.</p> <p>7 Q. Did you call anyone that formerly worked 8 for Southwest Investors Group?</p> <p>9 A. I did not.</p> <p>10 Q. Bankruptcy trustee?</p> <p>11 A. No.</p> <p>12 Q. Did you look online?</p> <p>13 A. No.</p> <p>14 Q. Did you look on your computer systems?</p> <p>15 A. Yes, I did I looked on my computer.</p> <p>16 Q. So did you look in the Beam program?</p> <p>17 A. It would not be in Beam.</p> <p>18 Q. If it was in your system where would it 19 have been?</p> <p>20 A. It would have been in my personal 21 computer that I work out of in a folder for 22 contracts.</p> <p>23 Q. Do you have back up for that computer?</p> <p>24 A. We do not, it's my personal computer.</p> <p>25 Q. Is that where you store most of the</p>	<p>1 2 A. No, not to my knowledge. 3 (Whereupon, the aforementioned 4 document was marked as Plaintiff's 5 Exhibit 10 for identification as of this 6 date by the Reporter.)</p> <p>7 Q. This is a stipulation have you seen this 8 before today?</p> <p>9 A. Yes.</p> <p>10 Q. Can you describe what it says?</p> <p>11 A. I mean my understanding is most of JTM's 12 revenues derive from outsourcing two agencies.</p> <p>13 Q. And those collection agencies collect 14 default and consumer debts?</p> <p>15 MR. LITTLE: Form.</p> <p>16 A. Yes.</p> <p>17 Q. And you acknowledge that it says 95 18 percent revenue came from that business during 2017 19 and 2018 and the stipulation is for this matter, 20 only these two matters, correct?</p> <p>21 A. To my understanding, yes.</p> <p>22 Q. You said that a small portion of JTM's 23 business constituted consulting I think is the way 24 that we ended up summarizing, would you say that's 25 the other five percent?</p>

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<p>1</p> <p>2 MR. LITTLE: Form.</p> <p>3 A. It's hard for me to say what the other</p> <p>4 five percent is without me looking.</p> <p>5 Q. Well earlier in this deposition you</p> <p>6 stated that the outsource collection of defaulted</p> <p>7 receivables not sure of the exact term that you used</p> <p>8 was most of your revenue, correct?</p> <p>9 A. Yes.</p> <p>10 Q. And you said that the rest of your</p> <p>11 revenue would have been from what we described as</p> <p>12 consulting, correct?</p> <p>13 MR. LITTLE: Objection to form, he</p> <p>14 said passive investments and consulting.</p> <p>15 MS. ROBERTSON: Thank you for the</p> <p>16 clarification.</p> <p>17 Q. Are those separate things passive</p> <p>18 investing and consulting?</p> <p>19 A. Yes.</p> <p>20 Q. What is a passive investment?</p> <p>21 A. Investment in anything, in a business you</p> <p>22 know you buy and sell accounts for that it could be</p> <p>23 anything.</p> <p>24 Q. So when we were talking about investments</p> <p>25 though we are not talking about real estate holdings</p>	<p>1</p> <p>2 A. Correct.</p> <p>3 MR. LITTLE: I reserve his right to</p> <p>4 read and sign as set forth in the rules</p> <p>5 and would like a PDF please.</p> <p>6 (Whereupon, at 1:20 P.M., the</p> <p>7 Examination of this Witness was</p> <p>8 concluded.)</p> <p>9</p> <p>10</p> <hr/> <p>11 JACOB ADAMO</p> <p>12 Subscribed and sworn to before me this</p> <p>_____ day of _____, 2021.</p> <p>13</p> <hr/> <p>14 NOTARY PUBLIC</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1</p> <p>2 or antiques you are talking about defaulted consumer</p> <p>3 debts or are you talking about something else?</p> <p>4 A. Not necessarily, again JTM is a single</p> <p>5 member LLC so you know it could just be a tax</p> <p>6 position, it could be a multitude of different</p> <p>7 things.</p> <p>8 Q. Can you give me an example of something</p> <p>9 that you invested in that would fit that</p> <p>10 description?</p> <p>11 A. I'm not sure why this is relevant to be</p> <p>12 honest with you.</p> <p>13 Q. I'm trying to understand what you mean by</p> <p>14 passive investment?</p> <p>15 A. When I take on a position where most of</p> <p>16 JTM's core business is buying and placing accounts</p> <p>17 so that's the stipulation, that 95 percent of its</p> <p>18 revenue was derived from outsourcing to third party</p> <p>19 collection agencies.</p> <p>20 Q. The other five percent we are not sure on</p> <p>21 but 95 percent of were?</p> <p>22 (Continued on next page to include</p> <p>23 jurat.)</p> <p>24</p> <p>25</p>	<p>1</p> <p>2 C E R T I F I C A T E</p> <p>3</p> <p>4 STATE OF NEW YORK)</p> <p>4) ss:</p> <p>5 COUNTY OF NEW YORK)</p> <p>6 I, STACY ADAMES, a Shorthand Reporter</p> <p>7 and Notary Public within and for the State of</p> <p>8 New York, do hereby certify:</p> <p>9 That JACOB ADAMO, the witness whose</p> <p>10 EXAMINATION BEFORE TRIAL was held on May 20,</p> <p>11 2021, as hereinbefore set forth, was duly</p> <p>12 sworn by me, and that this transcript of such</p> <p>13 Examination is a true and accurate record of</p> <p>14 the testimony given by such witness, to the</p> <p>15 best of my ability.</p> <p>16 I further certify that I am not related</p> <p>17 to any of the parties to this action by blood</p> <p>18 or by marriage, and that I am in no way</p> <p>19 interested in the outcome of this matter.</p> <p>20 IN WITNESS WHEREOF, I have hereunto set</p> <p>21 my hand this 20th day of May, 2021.</p> <p>22</p> <p>23</p> <p>24</p> <hr/> <p>25 STACY ADAMES</p>